

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY  
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DOC #:  
DATE FILED: SEP 07 2012

NATHANIEL SIMS,

Plaintiff,

-v-

POWELL, NURSE PRACTITIONER, et al.,

Defendants.

No. 11 Civ. 5582 (RA)

MEMORANDUM OPINION AND  
ORDER

RONNIE ABRAMS, United States District Judge:

Nathaniel Sims, proceeding *pro se*, filed this action pursuant to 42 U.S.C. § 1983 on July 28, 2011. By Order dated September 16, 2011 the action was referred to Magistrate Judge Francis for general pretrial purposes.

On July 26, 2012, Judge Francis issued a Report and Recommendation ("Report") recommending that the Court dismiss the complaint without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, as none of the defendants have been served with process. As indicated by Judge Francis in his Report and pursuant to 28 U.S.C. § 636(b)(1) and Rules 72, 6(a) and 6(d) of the Federal Rules of Civil Procedure, the parties had fourteen (14) days in which to file objections to the Report. No party has filed objections to the Report, and the time to do so has expired.

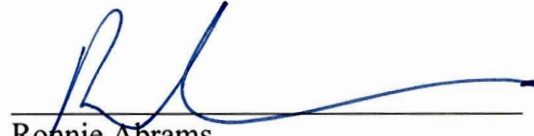
In reviewing the Report, the Court "may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). When no objections to a report and recommendation are made, the Court may adopt the report if there is no clear error on the face of the record. Adee Motor Cars, LLC v. Amato, 388 F.Supp. 2d 250,

253 (S.D.N.Y. 2005); La Torres v. Walker, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000).

Having reviewed the record, the Court finds that Judge Francis' well-reasoned Report is not facially erroneous. Accordingly, the Court adopts the Report in its entirety. The Clerk of Court shall dismiss the action without prejudice and close the case.

SO ORDERED.

Dated: September 7, 2012  
New York, New York

  
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Ronnie Abrams  
United States District Judge